II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2, 5-7, 9-12, 69, and 70 are pending. Claim 1 is independent. Claims 1, 7, 9, 10, 11, and 12 have been amended herein for clarity with respect to the specification and drawings. Support for these amendments may be found, for example, at paragraphs [0105] – [0109], [0117], [0150], and [0151] of the specification. Accordingly, no new matter has been added.

In a final Office Action mailed on March 15, 2007 (hereinafter referred to as "the final Office Action"), Claims 1, 9, 11, 12, and 69 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,087,088 to Piran et al. (hereinafter "Piran"), for the reasons provided at pages 2-4. In addition, Claims 1, 2 , 5-7, 9, 10, 12, 69, and 70 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2001/0029048 to Ding et al. (hereinafter "Ding") in light of U.S. Patent No. 4,722,889 to Lee et al. (hereinafter "Lee"), for the reasons provided at pages 4 and 5 of the final Office Action. Applicants traverse all of the prior art rejections.

Notably, claims 1, 2, 5-7, and 9-12 had been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite, as provided in the final Office Action. However, an after-final Amendment was filed on June 19, 2007. Then, in an Advisory Action Before the Filing of an Appeal Brief that was mailed on July 10, 2007, the after-final Amendment was indicated as having been entered, and the 35 U.S.C. §112

indefiniteness rejection was acknowledged as having been overcome by virtue of the June 19, 2007 Amendment.

Independent claim 1 has been amended herein to clarify that the first immunosensor includes a first immobilized antibody and generates a first signal, and that the second immunosensor includes a second immobilized antibody and generates a second signal. In addition, independent claim 1 has been amended herein to recite that the immunosensor system includes an analyzer configured to determine a corrected signal from the first and second signals.

Piran is directed to binding assay techniques that improve accuracy and sensitivity via accounting for interfering factors. These techniques rely on use, in a simultaneous incubation, of two or more different labels, some of which are used primarily to detect analyte, and others to detect interfering substances originating in the sample. The mathematical relationships between the labels allow corrections that lead to more accurate and sensitive determination of the presence and concentration of the analyte.

In Piran, the second antibody (e.g., IgG antibody, as indicated at page 3 of the final Office Action) binds to the "solid phase" (see, e.g., Piran, column 6, lines 23-30), which is a solid material that remains in solution and requires separation from the "liquid phase" (see Piran, column 7, lines 4-31). Therefore, the second antibody of Piran is not immobilized. By contrast, independent claim 1 recites that the first immunosensor includes a first immobilized antibody and the second immunosensor includes a second immobilized antibody. Therefore, because Piran fails to disclose a second immunosensor that includes a second immobilized antibody, Applicants submit that

independent claim 1 is allowable over Piran. In addition, each of claims 2, 5-7, 9-12, 69, and 70 depends from independent claim 1, and each is therefore allowable over Piran for the same reasons as described above.

Ding is premised upon the realization that a single electrochemical binding assay device can be used to determine multiple analytes in a single sample by simultaneous amperometric measurements using a plurality of working electrodes. As disclosed in paragraphs [0004] and [0005] of Ding, by establishing different analyte binding sites, i.e., antibodies or antigens on a solid phase at a distinct separate location and locating separate working electrodes within proximity of those separate locations, one can add enzyme labeled antibodies or antigens depending on the assay format, and then quantitate the amount of enzyme reaction product, whether chemically the same or different, generated by simultaneous amperometric measurement with the independent micro electrode for each area. The independent micro electrode for each area is spatially separated from adjacent analyte so that a measurement can be taken before cross-interference due to diffusion of product from adjacent analyte areas.

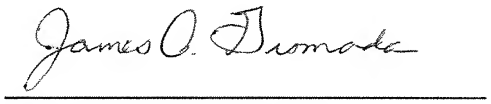
However, Ding is directed to measurements of multiple analytes in a single sample, whereas the present invention is directed to a system that, in a relevant aspect, improves the accuracy of a measurement of a single analyte by removing the effect of interference from the measurement (see paragraph [0117] of the present specification). Therefore, even assuming *arguendo* that Ding discloses a first immunosensor that generates a first signal and a second immunosensor that generates a second signal, as indicated in the final Office Action at page 4, Ding fails to disclose an analyzer that is configured to use the first and second signals to determine a corrected signal, as

recited in independent claim 1 as amended.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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